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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**
 13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE
 16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,
 18 LLC,

19 USA CAPITAL DIVERSIFIED TRUST
 20 DEED FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED
 22 FUND, LLC,¹

23 USA SECURITIES, LLC,² Debtors.

24 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

25 Case No. BK-S-06-10725-LBR
 26 Case No. BK-S-06-10726-LBR
 1 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR¹
 Case No. BK-S-06-10729-LBR²

27 **CHAPTER 11**

28 Jointly Administered Under Case No.
 29 BK-S-06-10725 LBR

30 **NOTICE OF HEARING REGARDING
 31 SECOND OMNIBUS OBJECTION OF
 32 USACM TRUST TO PROOFS OF
 33 CLAIM BASED UPON
 34 INVESTMENT IN THE ASHBY
 35 FINANCIAL COMPANY \$7,200,000
 36 LOAN; AND CERTIFICATE OF
 37 SERVICE**

38 Date of Hearing: March 25, 2008

39 Time of Hearing: 9:30 a.m.

40 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**
 41 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**
 42 **CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE**
 43 **ASHBY FINANCIAL COMPANY \$7,200,000 LOAN BECAUSE THE USACM**

44 ¹ This bankruptcy case was closed on October 12, 2007.

45 ² This bankruptcy case was closed on December 26, 2007.



1 **TRUST CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR
2 INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT
3 YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A
4 DIFFERENT LOAN.**

5 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
6 COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS
7 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
8 SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL .**

9 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
10 through its counsel, has filed its Second Omnibus Objection to Proofs of Claim Based
11 Upon Investment in the Ashby Financial Company \$7,200,000 Loan (the “Objection”).
12 Your Proof of Claim number and other information regarding your claim is provided in
13 **Exhibit A**, attached. The USACM Liquidating Trust has requested that this Court enter an
14 order, pursuant to section 502 of title 11 of the United States Code (the “Bankruptcy
15 Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy
16 Rules”), disallowing your Proof of Claim to the extent it is based upon an investment in
17 the Ashby Financial Company \$7,200,000 Loan. The Objection will not impact your
18 Claim to the extent it is based upon an investment in a different loan.

19 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
20 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
21 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
22 **March 25, 2008, at the hour of 9:30 a.m..**

23 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON MARCH
24 25, 2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND
25 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE
26 HEARD ON THAT DATE.**



NOTICE IS FURTHER GIVEN that any response to the Objection must be filed by March 18, 2008 pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: February 12, 2008

LEWIS AND ROCA LLP

By /s/ Rob Charles (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)

Rob Charles, NV 6593

John C. Hinderaker, AZ 18024 (*pro hac vice*)

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Attorneys for the USACM Litigants

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Copy of the foregoing mailed by first class
Postage prepaid U.S. Mail on
February 12, 2008 to:

Parties listed on Exhibit A attached.

s/Renee L. Creswell
Renee L. Creswell